

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Laurie Ortolano,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:22-cv-00326-LM
	)	
The City of Nashua, <i>et al.</i> ,	)	
Defendants.	)	
_____	)	

**DEFENDANT KIMBERLY KLEINER’S MOTION FOR SUMMARY JUDGMENT**

Defendant Kimberly Kleiner (“Kleiner”) moves for summary judgment pursuant to Fed. R. Civ. P. 56 on all counts against her for reasons set forth below.

1. The Court has already determined that Plaintiff has not been chilled from exercising her free speech and redress rights. [Doc. 60], pp. 14-15. Accordingly, Plaintiff’s First Amendment claims for free speech and petitioning government fail.
2. Plaintiff’s First Amendment rights also fail because Kleiner has not taken adverse action regarding Plaintiff or any action about which Plaintiff complains has been *de minimus*, as explained in depth in the memorandum of law submitted herewith.
3. Plaintiff’s claim for damages under RSA 91-A, the only relief she has asked of this Court under that statute, fail as a matter of law because RSA 91-A does not provide for money damages.
4. Kleiner is not liable for defamation because: a) RSA 507-B:4 provides immunity for such claims; b) the statement by co-defendant Raymond Feoli that Plaintiff represented himself to her as a Nashua City employee was substantially true; and c) Kleiner did not act with malice nor was her action culpable under any other applicable standard.

5. Please see the attached Memorandum of Law for detailed facts, legal analysis and argument, Declarations of Kimberly Kleiner and Dona Feeney, Esq., with exhibits.
6. A request was made of Plaintiff's counsel to voluntarily dismiss Counts I and II against Kleiner in advance of filing this motion, however, counsel declined that invitation. Defendant Kleiner has not sought assent for dismissal of the remaining counts against her because the relief is dispositive.

Wherefore, Kimberly Kleiner requests the Court grant summary judgment and dismiss all remaining claims against her.

Kimberly Kleiner  
By her attorneys,  
FRIEDMAN FEENEY, PLLC,

Date: May 30, 2024

By: /s/ Dona Feeney  
Dona Feeney, NH Bar #12854  
95 North State St., Ste #3  
Concord, NH 03301  
603-783-5105  
[dfeeney@friedmanfeeney.com](mailto:dfeeney@friedmanfeeney.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served through the court's electronic filing system on to all counsel or parties of record.

Date: May 30, 2024

By: /s/ Dona Feeney  
Dona Feeney